

INCOMING TELEGRAM

Department of State

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Action

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Info

FROM: LONDON

12 MAY 25 PM 1 09

Control: 16694

Rec'd: MAY 26, 1959  
11:14 AM

TO: Secretary of State

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NO: 6160, MAY 26, 1 PM

SENT DEPARTMENT 6160; REPEATED INFORMATION PARIS 1021,  
BONN 444, MOSCOW 284, BERLIN 165, GENEVA 139.

RE DEPTL 10250

CIA

PROPOSED REPLY TO SOVIET NOTE OF APRIL 28 ON HIGH ALTITUDE FLIGHTS TO BERLIN HAS BEEN STUDIED BY FOREIGN SECRETARY. HE BELIEVES THAT FROM POLITICAL POINT OF VIEW BEST TO LET SLEEPING DOGS LIE PARTICULARLY SINCE SOVIET NOTE IS MONTH OLD. LEGAL ADVISER ALSO RAISED OBJECTIONS TO PROPOSAL ON GROUNDS THAT QUADRIPARTITE AGREEMENT OF NOVEMBER 28, 1945 DOES NOT PROVIDE CLEAR LEGAL AUTHORIZATION FOR CIVIL AIRLINES TO OPERATE IN CORRIDORS AND THIS FACT MIGHT COUNT AGAINST WEST IF MATTER ACTUALLY CAME BEFORE INTERNATIONAL COURT. COURT MIGHT ALSO WISH TO HEAR GDR AND THIS TOO MIGHT BE UNDESIRABLE FROM WESTERN POINT OF VIEW. FINALLY LEGAL ADVISER HAS EXPRESSED OPINION THAT REQUEST FOR ADVISORY OPINION FROM COURT WOULD NECESSARILY INVOLVE GENERAL ASSEMBLY IN MATTER SINCE ACTUAL REQUEST FOR ADVISORY OPINION WOULD HAVE TO ORIGINATE WITH GA, AND THIS UNDESIRABLE UNTIL LARGER QUESTION OF TIMING REFERENCE BERLIN PROBLEM TO UN DECIDED.

\* WHITNEY

CLASSIFICATION OF SOURCE

APPROVAL REVIEW PANEL DATE 12/1/81

DECLASS ( ) REVIEW ( ) DEINT

( ) Non-responsive information

FOIA Exemption (a)

FOIA Exemption (b)

Classification Review By *hfe*

( ) UNCLASSIFIED

( ) DECLASSIFY IN PART

( ) RETAIN CLASSIFICATION (a)

( ) CLASSIFY AL

( ) DOWNGRADE TO ( ) S, ( ) G, OADR

OADR

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